

UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

IN RE: AMTRAK TRAIN DERAILMENT IN  
PHILADELPHIA, PENNSYLVANIA, ON MAY 12,  
2015

15-5782

MDL No. 2654

FILED

OCT 26 2015

MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_, Dep. Clerk

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO -1)

On October 13, 2015, the Panel transferred 6 civil action(s) to the United States District Court for the Eastern District of Pennsylvania for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* F.Supp.3d (J.P.M.L. 2015). Since that time, no additional action(s) have been transferred to the Eastern District of Pennsylvania. With the consent of that court, all such actions have been assigned to the Honorable Legrome D Davis.

It appears that the action(s) on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Eastern District of Pennsylvania and assigned to Judge Davis.

Pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the action(s) on the attached schedule are transferred under 28 U.S.C. § 1407 to the Eastern District of Pennsylvania for the reasons stated in the order of October 13, 2015, and, with the consent of that court, assigned to the Honorable Legrome D Davis.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Pennsylvania. The transmittal of this order to said Clerk shall be stayed 7 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is  
pending at this time, the  
stay is lifted.

Oct 23, 2015

CLERK'S OFFICE  
UNITED STATES  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

FOR THE PANEL:



Jeffery N. Lüthi  
Clerk of the Panel

**IN RE: AMTRAK TRAIN DERAILMENT IN  
PHILADELPHIA, PENNSYLVANIA, ON MAY 12,  
2015**

MDL No. 2654

**SCHEDULE CTO-1 – TAG-ALONG ACTIONS**

| <u>DIST</u>          | <u>DIV.</u> | <u>C.A.NO.</u> | <u>CASE CAPTION</u>  |
|----------------------|-------------|----------------|--|
| DISTRICT OF COLUMBIA |             |                |  |
| DC                   | 1           | 15-01168       | LEVINE et al v. NATIONAL RAILROAD PASSENGER CORPORATION          |
| MARYLAND             |             |                |  |
| MD                   | 1           | 15-01925       | Kim et al v. National Railroad Passenger Corporation (AMTRAK)    |
| MD                   | 1           | 15-02091       | Pierre et al v. National Railroad Passenger Corporation          |
| MD                   | 1           | 15-02092       | Witham et al v. National Railroad Passenger Corporation (AMTRAK) |
| MD                   | 8           | 15-02088       | Gilani v. NATIONAL RAILROAD PASSENGER CORPORATION, d/b/a AMTRAK  |
| MD                   | 8           | 15-02862       | Balcerzak v. National Railroad Passenger Corporation             |
| NEW JERSEY           |             |                |  |
| NJ                   | 2           | 15-05325       | RITRIVI et al v. NATIONAL RAILROAD PASSENGER CORPORATION         |
| NJ                   | 2           | 15-05507       | KESSLER et al v. NATIONAL RAILROAD PASSENGER CORPORATION         |
| NJ                   | 2           | 15-06214       | ALPERT et al v. NATIONAL RAILROAD PASSENGER CORPORATION          |
| NJ                   | 3           | 15-06138       | GARLAND v. NATIONAL RAILROAD PASSENGER CORPORATION               |
| NEW YORK EASTERN     |             |                |  |
| NYE                  | 1           | 15-03765       | Nixon v. National Railroad Passenger Corporation (Amtrak)        |
| NYE                  | 1           | 15-05096       | Mombelli et al v. National Railroad Passenger Corporation        |
| NYE                  | 2           | 15-04877       | M.I. et al v. National Railroad Passenger Corporation            |
| NEW YORK SOUTHERN    |             |                |  |

|     |   |          |   |
|-----|---|----------|---|
| NYS | 1 | 15-05265 | Lee et al v. National Railroad Passenger Company (Amtrak) et al |
| NYS | 1 | 15-05270 | Abessolo v. National Railroad Passenger Corporation             |
| NYS | 1 | 15-05402 | Shah v. National Railroad Passenger corporation a/k/a AMTRAK    |
| NYS | 1 | 15-05406 | Jaffrey v. National Railroad Passenger corporation a/k/a AMTRAK |
| NYS | 1 | 15-05416 | Thadhani v National Railroad Passenger Corporation              |
| NYS | 1 | 15-06222 | Comer et al v. National Railroad Passenger Corp.                |
| NYS | 1 | 15-06264 | Darryus Griffith, v. National Railroad Passenger Corporation    |
| NYS | 1 | 15-06282 | Radice v. National Railroad Passenger Corporation, d/b/a AMTRAK |
| NYS | 1 | 15-06724 | Floyd et al v. National Railroad Passenger Corp.                |
| NYS | 1 | 15-07137 | Ardu v. National Railroad Passenger Corporation (Amtrak)        |



CLOSED,ECF,RELATED

15-5782

**U.S. District Court**  
**Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:15-cv-05265-LAP**

Lee et al v. National Railroad Passenger Company (Amtrak) et al  
Assigned to: Judge Loretta A. Preska  
Related Cases: 1:15-cv-03861-LAP  
1:15-cv-07926-LAP  
Case in other court: Supreme Court County of New York, 156549/2015  
Cause: 28:1349 Corporation organized under Federal Law as party

Date Filed: 07/07/2015  
Date Terminated: 10/26/2015  
Jury Demand: Plaintiff  
Nature of Suit: 360 P.L.: Other  
Jurisdiction: Federal Question

**Plaintiff****Regina Lee****Plaintiff****Jerry Chao**

V.

**Defendant****National Railroad Passenger Company (Amtrak)**

represented by **John Anthony Bonventre**  
Landman Corsi Ballaine & Ford, P.C.  
One Gateway Center, Fourth Floor  
Newark, NY 10279  
(973)-623-2700  
Fax: (973)-623-4496  
Email: jbonventre@lcbf.com  
ATTORNEY TO BE NOTICED

**Defendant****Brandon Bostian**

represented by **John Anthony Bonventre**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

| Date Filed | #        | Docket Text   |
|------------|----------|---|
| 07/07/2015 | <u>1</u> | NOTICE OF REMOVAL from Supreme Court, County of New York. Case Number: 156549/2015. (Filing Fee \$ 400.00, Receipt Number 0208-11124111). Document filed by National Railroad Passenger Company (Amtrak). (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Affidavit Declaration of Service)(Bonventre, John) (Entered: 07/07/2015)   |
| 07/07/2015 | <u>2</u> | CIVIL COVER SHEET filed. (Bonventre, John) (Entered: 07/07/2015)  |
| 07/07/2015 | <u>3</u> | STATEMENT OF RELATEDNESS re: that this action be filed as related to 15-cv-04791. Document filed by National Railroad Passenger Company (Amtrak).(Bonventre, John) (Entered: 07/07/2015)  |
| 07/07/2015 | <u>4</u> | <b>FILING ERROR - CORPORATE PARENT/OTHER AFFILIATE ENTERED INCORRECTLY - RULE 7.1</b> CORPORATE DISCLOSURE STATEMENT. Identifying Other Affiliate American Financial, Other Affiliate Chicago Union, Other Affiliate Passenger Railroad, Other Affiliate Penn Station Leasing, Other Affiliate Washington Terminal, Other Affiliate American Premier, Other Affiliate Burlington Northern, Other Affiliate Berkshire, Other Affiliate Canadian Pacific, Other Affiliate Canadian National for National Railroad Passenger Company (Amtrak). Document filed by National Railroad Passenger Company (Amtrak).(Bonventre, John) Modified on 7/8/2015 (lb). (Entered: 07/07/2015) |
| 07/08/2015 |          | <b>***NOTICE TO ATTORNEY REGARDING CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney John Anthony Bonventre. The following case opening statistical information was erroneously selected/entered: Cause of Action code Civil Miscellaneous Case - Other;. The following correction(s) have been made to your case entry: the Cause of Action code has been modified to 28:1349 Corporation organized under Federal Law as party Date Filed: 07/07/2015 Jury Demand: Plaintiff Nature of Suit: 360 P.L.: Other Jurisdiction: Federal Question Plaintiff;. (dgo) (Entered: 07/08/2015)</b>  |
| 07/08/2015 |          | CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Unassigned. (dgo) (Entered: 07/08/2015)  |
| 07/08/2015 |          | CASE REFERRED TO Judge Analisa Torres as possibly related to 15cv4791. (dgo) (Entered: 07/08/2015)  |
| 07/08/2015 |          | Case Designated ECF. (dgo) (Entered: 07/08/2015)  |
| 07/08/2015 |          |   |

|            |          |   |
|------------|----------|---|
|            |          | <b>***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Notice to Attorney John Anthony Bonventre to RE-FILE Document <u>4</u> Rule 7.1 Corporate Disclosure Statement,, ERROR(S): Please Add the Full Name of the Corporate Parent/Affiliate. (lb) (Entered: 07/08/2015)</b>  |
| 07/09/2015 |          | CASE ACCEPTED AS RELATED. Create association to 1:15-cv-03861-LAP. Notice of Assignment to follow. (pgu) (Entered: 07/09/2015)  |
| 07/09/2015 |          | NOTICE OF CASE ASSIGNMENT to Judge Loretta A. Preska. Judge Unassigned is no longer assigned to the case. (pgu) (Entered: 07/09/2015)   |
| 07/09/2015 |          | Magistrate Judge Frank Maas is so designated. (pgu) (Entered: 07/09/2015)   |
| 07/09/2015 | <u>5</u> | RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Other Affiliate American Financial Group, Inc., Other Affiliate Penn Station Leasing, LLC, Other Affiliate Chicago Union Station Company, Other Affiliate Passenger Railroad Insurance Limited, Other Affiliate Washington Terminal Company, Other Affiliate Canadian Pacific Railway, Other Affiliate Burlington Northern and Santa Fe LLC, Other Affiliate American Premier Underwriters, Inc., Other Affiliate Canadian National Railway, Other Affiliate Berkshire Hathaway for National Railroad Passenger Company (Amtrak). Document filed by National Railroad Passenger Company (Amtrak).(Bonventre, John) (Entered: 07/09/2015) |
| 08/12/2015 | <u>6</u> | NOTICE OF APPEARANCE by John Anthony Bonventre on behalf of Brandon Bostian. (Bonventre, John) (Entered: 08/12/2015)  |
| 09/01/2015 | <u>7</u> | ANSWER to Complaint. Document filed by Brandon Bostian, National Railroad Passenger Company (Amtrak). (Attachments: # <u>1</u> Affidavit of Service)(Bonventre, John) (Entered: 09/01/2015)   |
| 10/26/2015 | <u>8</u> | CERTIFIED TRUE COPY OF CONDITIONAL MDL TRANSFER OUT ORDER FROM THE MDL PANEL...transferring this action from the U.S.D.C. - S.D.N.Y to the United States District Court - Eastern District of Pennsylvania. (Signed by MDL Panel on 10/23/2015) (sjo) (Entered: 10/26/2015)   |
| 10/26/2015 |          | MDL TRANSFER OUT ELECTRONICALLY: to the United States District Court - Eastern District of Pennsylvania. (sjo) (Entered: 10/26/2015)  |

| PACER Service Center |                  |                  |                   |
|----------------------|------------------|------------------|-------------------|
| Transaction Receipt  |                  |                  |                   |
| 10/26/2015 11:10:30  |                  |                  |                   |
| PACER Login:         | ud1652:4263085:0 | Client Code:     |                   |
| Description:         | Docket Report    | Search Criteria: | 1:15-cv-05265-LAP |
| Billable Pages:      | 3                | Cost:            | 0.30              |



FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: SD-NY

Address of Defendant: \_\_\_\_\_

Place of Accident, Incident or Transaction: \_\_\_\_\_

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☐

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☐

RELATED CASE, IF ANY:

Case Number: MDL 2654-TR Judge Davis Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to ~~property~~ included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☐
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☐
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
Yes ☐ No ☐

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases  
(Please specify) \_\_\_\_\_

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☒ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify) \_\_\_\_\_

10/26/15

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, \_\_\_\_\_, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: \_\_\_\_\_

Attorney-at-Law

Attorney I.D.# \_\_\_\_\_

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 10/26/15

Eric Sobieski  
Attorney-at-Law

Attorney I.D.# \_\_\_\_\_